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Attorneys for Defendants,
 Shopify Inc. and Shopify (USA) Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

Brandon Briskin, on behalf of
 himself and those similarly situated,

Plaintiffs,

v.

Shopify Inc. and Shopify (USA) Inc.,

Defendants.

Case No. 4:21-cv-06269-PJH

**DEFENDANT SHOPIFY PAYMENTS
 (USA) INC.'S MOTION TO DISMISS
 PLAINTIFF'S SECOND AMENDED
 CLASS ACTION COMPLAINT**

Date: April 28, 2022
 Time: 1:30 p.m.
 Location: Courtroom 3, 3rd Floor
 1301 Clay Street
 Oakland, California

Judge: The Honorable Phyllis J.
 Hamilton

SHOPIFY PAYMENTS' MOTION TO

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that on April 28, 2022 at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 3 (3rd Floor) of the above-entitled court, located at 1301 Clay Street, Oakland, California 94612, defendant Shopify Payments (USA) Inc. (“Shopify Payments”) will, and hereby does, move the Court under Federal Rules of Civil Procedure 8, 12(b)(2) and 12(b)(6) for an order dismissing the Second Amended Class Action Complaint (“SAC”) (ECF No. 44) of Plaintiff Brandon Briskin. This motion is based on this notice, the concurrently filed memorandum of points and authorities, and all other facts the court may or should take notice of, all files, records, and proceedings in this case, and any oral argument the Court may entertain.

STATEMENT OF RELIEF SOUGHT (CIVIL L.R. 7-2(B)(3)). Shopify Payments seeks an Order pursuant to Federal Rule of Civil Procedure 8(a)(2) for failure to provide adequate notice of the claims against it, or in the alternative, pursuant to Federal Rule 12(b)(2) for lack of personal jurisdiction, or in the further alternative, Federal Rule of Civil Procedure 12(b)(6) dismissing the SAC for failure to state a claim upon which relief can be granted.

Dated: February 17, 2022

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Jacob M. Heath

JACOB M. HEATH

THOMAS FU

Attorneys for Defendants

Shopify Payments (USA), Inc.,

Shopify (USA), Inc. and Shopify Inc.

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